

# **EXHIBIT O**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

- - - - -x  
LEAGUE OF UNITED LATIN AMERICAN :  
CITIZENS - RICHMOND REGION :  
COUNCIL 4614, ELIUD BONILLA, :  
LUCIANIA FREEMAN, and ABBY JO :  
GEARHART, :  
Plaintiffs, : CIVIL ACTION NO.  
v. : 1:18-cv-00423  
PUBLIC INTEREST LEGAL FOUNDATION : (LO/IDD)  
and J. CHRISTIAN ADAMS, :  
Defendants. :  
- - - - -x

Videotaped Deposition of STEVEN ALBERTSON  
Washington, D.C.  
Tuesday, May 14, 2019  
11:04 a.m.

Job No.: 451690  
Pages 1 through 185  
Reported by: Cassandra E. Ellis, RPR

1                   Are you familiar with this  
2     report?

3           A       Yes, I've seen it before.

4           Q       And similarly, behind Exhibit  
5     B, there's a report dated May 2017,  
6     entitled:  Alien Invasion II, The Sequel  
7     to the Discovery and Coverup of  
8     Non-Citizen Registration and Voting in  
9     Virginia.

10                   Are you familiar with this  
11    report, as well?

12          A       I have seen it before.

13          Q       Did you have any role in  
14    gathering information for use in  
15    publication of either or both of these  
16    two reports?

17          A       To be honest, I have not  
18    thoroughly examined the reports, nor did  
19    I at the time of their publication.  But  
20    I -- so I'm not sure exactly what,  
21    directly, I might have helped gather  
22    showed up in these reports.

23                   It's my understanding that the  
24    information that I helped gather provided  
25    some basis for content of these reports.

1 I'm not trying to parse the words too  
2 closely, but I don't want to say that  
3 there's a one for one what I helped  
4 showed up here. I just don't know that  
5 that's the case.

6 Q And how was it that you came to  
7 help gather information for these  
8 reports?

9 A As I recall, a mutual friend of  
10 ours, that is between my -- me and  
11 Mr. Adams, informed me of Mr. Adams'  
12 activities, thought I might be  
13 interested, and I thought it sounded like  
14 a worthwhile project, where in my role as  
15 an activist and my personal life I  
16 probably knew a lot of people who would  
17 like to be involved, to the extent that  
18 they could be volunteer contributors to  
19 the effort.

20 And that's really what my -- my  
21 role was, was to facilitate involvement  
22 of people in various parts of the  
23 Commonwealth. I would say, ultimately,  
24 four or five different people.

25 Q And what did the four or five

1 people that you contacted, along with  
2 you, yourself, do as part of this effort?

3 A So I didn't do any of the,  
4 shall we call it, fieldwork. And the  
5 fieldwork involved -- at least I don't  
6 recall having done any of it -- the  
7 fieldwork involved sending a volunteer  
8 out to a local registrar's office, with  
9 some sort of a script or set of  
10 instructions on what to request from a  
11 local registrar, and then, if the  
12 registrar complied, how to handle the  
13 response. And if the registrar didn't  
14 comply what to report back to -- to me to  
15 pass along to PILF.

16 Q At the time that you became  
17 involved in this effort did you have any  
18 understanding as to why it was necessary  
19 to actually send people to the  
20 registrar's offices in the first place?

21 A I'm sure I had a better  
22 understanding of it then than I do now.  
23 I'm a busy individual, and I have not  
24 gotten fully up to speed on all of the  
25 issues surrounding this.

1                   But as I recall, there was --  
2           and this is based purely on what  
3           Mr. Adams had told me -- was that under  
4           the National Voter Registration Act there  
5           were certain records relating to  
6           maintenance of the voter rolls that were  
7           susceptible to public disclosure upon  
8           request. And there were some county's  
9           registrars who were complying with such  
10          requests, and others that were not, and  
11          that volunteers were needed to go out and  
12          sort of punctuate that in the counties  
13          where the registrars had not complied  
14          with the request.

15               Q       Once Alien Invasion I, which is  
16          Exhibit A to the complaint, and Alien  
17          Invasion II, which is Exhibit B to the  
18          complaint, were published were you  
19          involved in any activities intended to  
20          publicize the findings of the report?

21               A       Yes. At the time I was  
22          involved with a right-leaning political  
23          blog website called thebullelephant.com,  
24          and I helped get the report published  
25          there. And I think there were a couple

1 of commentaries that -- that also got  
2 published in relation to the -- to the  
3 report or the reports.

4 Q And after one or both reports  
5 was or were published did you have any  
6 communications with state or federal  
7 prosecutors in Virginia about the  
8 possibility of investigating and perhaps  
9 prosecuting non-citizens who had  
10 registered to vote or voted?

11 A No. No. I certainly  
12 speculated about that possibility, on the  
13 state level, but I think there were two  
14 or three times I may have mentioned it,  
15 and -- in speaking to Christian, and  
16 Christian rejected my ideas and -- and  
17 said he had a plan mapped out at the  
18 federal level.

19 So my speculation never went  
20 beyond that. And, of course, I can't  
21 speak for what anyone else may have done,  
22 but --

23 Q And what did you understand the  
24 purpose of the Alien Invasion I and Alien  
25 Invasion II reports to be?

1           Q       And you never heard anything  
2       about that during your work on this  
3       project?

4           A       No. My work was very limited  
5       to sending a few folks into the field for  
6       an afternoon or two, and then reporting  
7       back their findings. I don't recall  
8       having any other part, and I didn't write  
9       the report or -- or -- in fact, I still  
10      haven't read all the way through the  
11      report, so not sure what else is out  
12      there, but from my perspective my role  
13      was just helping to gather a few public  
14      records.

15          Q       And the public records that you  
16      were trying to gather you understood  
17      would show what?

18          A       So I understood, from my own  
19      registrar, and my own clerk of court, in  
20      my home county of Stafford, that the  
21      records involved reports that were  
22      generated by the clerk of court to inform  
23      the registrar when members of the jury  
24      pool, who, themselves, have been drawn  
25      from registered voters, indicated that



1 the progression. And the recipients here  
2 are the other contributors to The Bull  
3 Elephant, that's what they -- that Google  
4 group list is.

5 MR. LOCKERBY: I'd like to  
6 have this marked as Exhibit 30,  
7 please.

8 (Exhibit No. 30 was marked  
9 for identification.)

10 BY MR. LOCKERBY:

11 Q Exhibit 30 is a May 31, 2017  
12 e-mail exchange, at least at the top,  
13 between you and Christian Adams.

14 And was this in response to a  
15 media contact to you about getting  
16 Christian Adams on our radio show?

17 A Yes.

18 MR. LOCKERBY: I'd like to  
19 have this marked as Exhibit 31,  
20 please.

21 (Exhibit No. 31 was marked  
22 for identification.)

23 BY MR. LOCKERBY:

24 Q At the top of the first page of  
25 Exhibit 31 there's an e-mail from you,

1       dated December 14, 2017, that reads:  
2       Please see the attached e-mail  
3       correspondence between Perkins Coie and  
4       Edgardo Cortes and Liz Howard. I assume  
5       it is pretty safe to say that Edgardo and  
6       Liz didn't exhibit this closeness with  
7       our side of the aisle. Please let me  
8       know your thoughts.

9                   What were you referring to  
10       there?

11       A       I don't know what the  
12       attachment said, but this was in the  
13       context of a recount of the 2017 House of  
14       Delegates races where some of my friends  
15       had asked me to get involved because I  
16       could navigate these things, and knew  
17       players and so forth, to help with the  
18       effort and the recount.

19                   MR. LOCKERBY: I'd like to  
20       have this marked as Exhibit 32,  
21       please.

22                   (Exhibit No. 32 was marked  
23       for identification.)

24       BY MR. LOCKERBY:

25       Q       Exhibit 32 says it's a FOIA

1 request, dated January 24, 2019, from  
2 Andrew C. Hanson, whose office address is  
3 listed as 1440 New York Avenue,  
4 Northwest, Washington, D.C.

5 That's the address of Skadden,  
6 Arps; correct?

7 A It's been asked and answered,  
8 but yes.

9 Q And down below there's a  
10 request for all written communications  
11 with a number of people, one of whom is  
12 you; correct?

13 A That's correct.

14 Q When did you become aware that  
15 Skadden, Arps was submitting FOIA  
16 requests for written communications that  
17 various registrars had had with you?

18 A I don't recall.

19 Q But you did become aware of  
20 that at some point in time?

21 A Well, eventually, yes, sometime  
22 this year.

23 Q And, in fact, this one, because  
24 it has the letter prefix, prefix SA,  
25 indicates that it's among the documents

1       you produced; correct?

2           A       That's what you represented to  
3       me.

4                   MR. LOCKERBY: I'd like to  
5       have this marked as Exhibit 33,  
6       please.

7                   (Exhibit No. 33 was marked  
8       for identification.)

9       BY MR. LOCKERBY:

10           Q       Exhibit 33 is another January  
11       24, 2019 FOIA request from Andrew Hanson,  
12       that references to you -- references you  
13       directed to the Albemarle County FOIA  
14       officer.

15                   Were you previously aware of  
16       this?

17           A       No, I don't think so.

18           Q       What did you do to prepare for  
19       your deposition today?

20           A       I gathered materials in  
21       response to the document portion of the  
22       subpoena and consulted with my attorneys.

23           Q       Other than counsel have you  
24       spoken with anyone else regarding your  
25       deposition?

1           A       My wife, my mother, just  
2       letting them know what I was doing today,  
3       in a deposition. But I've not spoken to  
4       anyone about the substance or the whole  
5       situation.

6                   MR. LOCKERBY: Great. Well,  
7       thank you. I have no further  
8       questions.

9                   THE WITNESS: Okay.

10                  MR. LOCKERBY: Do you want  
11       to --

12                  MR. SCHWARTZTOL: We're  
13       going to have questions. If we  
14       can take about 10 minutes, it  
15       might help me to see if there are  
16       things I might cross off my list.

17                  MR. LOCKERBY: Okay.

18                  MR. SCHWARTZTOL: And I  
19       might do a better job of not  
20       introducing as new exhibits  
21       documents that have already been  
22       produced.

23                  MR. LOCKERBY: Do you want  
24       to move over here?

25                  MR. SCHWARTZTOL: In the

1 course of the 10 minutes I'll  
2 switch positions.

3 MR. LOCKERBY: Okay.

4 THE VIDEOGRAPHER: The time  
5 is now 1:46 p.m. We're off the  
6 record.

7 (Recess.)

8 THE VIDEOGRAPHER: The time  
9 is now 1:59 p.m. We are back on  
10 the record.

11 EXAMINATION

12 BY MR. SCHWARTZTOL:

13 Q Good afternoon, Mr. Albertson.  
14 We met, briefly, this morning, but my  
15 name is Larry Schwartztol. I'm one of  
16 the attorneys for the plaintiffs in this  
17 case.

18 You understand that you're  
19 still under oath; correct?

20 A Correct.

21 Q Okay. And at the beginning of  
22 the deposition Mr. Lockerby went over  
23 some general ground rules for how the  
24 deposition works and keeping the  
25 transcript clean. You understand that

1 all of those still apply; correct?

2 A Correct.

3 Q Okay. When was the last time  
4 you corresponded with Mr. Adams?

5 A I don't specifically recall,  
6 but it's been quite awhile.

7 Q Okay. Did you have any  
8 correspondence with him discussing this  
9 deposition?

10 A No.

11 Q Okay. And have you had any  
12 direct communications with the attorneys  
13 representing Mr. Adams or PILF in this  
14 matter?

15 A No.

16 Q Okay.

17 A And I say that not concerning  
18 this matter, I have had some direct  
19 interactions with a couple of the lawyers  
20 who are on the matter, but I only  
21 discovered that they were on this matter  
22 when I actually looked at the pleadings

23 --

24 Q Got it.

25 A -- last week.

1           Q       Did you have any conversations  
2       with those lawyers --

3           A       No.

4           Q       -- about this matter?

5           A       No.

6           Q       Okay. Since 2016 have you, as  
7       an attorney, represented any clients  
8       outside your capacity as an attorney at  
9       Skadden, Arps?

10          A       I'm sorry, can you repeat that?

11          Q       Sure. Since 2016 have you had  
12       any occasion to represent, as an  
13       attorney, any clients whom you  
14       represented outside your capacity as a  
15       Skadden, Arps attorney?

16          A       No. That's not something we're  
17       allowed to do.

18          Q       Okay. Have you ever  
19       represented Mr. Adams as an attorney?

20          A       No.

21          Q       Have you ever represented PILF  
22       as its attorney?

23          A       No.

24          Q       At Skadden is there a process  
25       for initiating a new client matter?



1           A       Absolutely.

2           Q       How does that process work?

3           A       It's -- it's a very involved  
4       process that involves the -- the  
5       conducting research into potential  
6       conflicts, going before a client and  
7       engagement review committee, issuing an  
8       engagement letter, and so forth.

9           Q       Have you ever initiated that  
10       process for purposes of representing  
11       Mr. Adams?

12          A       Oh, absolutely not.

13          Q       Have you ever initiated that  
14       process for purposes of representing  
15       PILF?

16          A       No.

17          Q       Are you aware of any other  
18       attorneys at Skadden, Arps who have ever  
19       represented Mr. Adams?

20          A       No.

21          Q       Are you aware of any other  
22       attorneys at Skadden, Arps who have ever  
23       represented PILF?

24          A       No.

25          Q       Do you think you'd know if

1       there were other --

2           A       I can infer by the fact that  
3       we're representing the plaintiffs that  
4       there was a conflicts check done and that  
5       there would have been no conflict with  
6       Mr. Adams or PILF because no such  
7       representation existed.

8           Q       Okay. So you have said a  
9       little bit earlier in the day about the  
10      work that you did in connection with the  
11      Alien Invasion reports, back in 2016, and  
12      I wanted to just ask you a few questions  
13      about the timeline on which that took  
14      place.

15          A       Certainly I'll do my best.

16          Q       Great. So let me begin by --  
17      and I should confess, I've lost track of  
18      what number exhibit we're on.

19                   MR. KISTLER: 34.

20                   MR. SCHWARTZTOL: 34?

21                   (Exhibit No. 34 was marked  
22      for identification).

23                   MR. SCHWARTZTOL: Now the  
24      court reporter will give you what  
25      will be marked as Exhibit 34.

1 BY MR. SCHWARTZTOL:

2 Q And let me -- so actually let  
3 me first apologize, despite having taken  
4 some time to cross-reference exhibits  
5 that have already been introduced this is  
6 an exhibit that has already been  
7 introduced. So we can keep it marked as  
8 Exhibit 34 and I will also just represent  
9 to you that this was -- it's the same  
10 document as Exhibit 12 that you  
11 previously answered some questions about  
12 earlier in the day.

13 A Okay.

14 Q Okay. So  
15 [REDACTED]@Gmail.com, the e-mail  
16 address that appears on the top e-mail of  
17 this chain, that's your e-mail address;  
18 correct?

19 A That's correct.

20 Q Anyone else send e-mails from  
21 that address?

22 A No.

23 Q So safe to assume on all these  
24 documents the e-mails that come from or  
25 sent to [REDACTED]@Gmail.com, those

1       are your e-mails; correct?

2           A       Correct.

3           Q       Okay. You say in the e-mail  
4       sent at 2:13 p.m., on September 9th, that  
5       you know Christian and have worked with  
6       him before, you're referring to  
7       Mr. Adams, the defendant in this case; is  
8       that correct?

9           A       That's correct.

10          Q       In what context have you worked  
11       with him before?

12          A       I was afraid you might ask me  
13       that. I -- I'm having difficulty  
14       remembering, but I don't think -- when I  
15       did remember this, as I was preparing,  
16       that it really wasn't something that I  
17       had worked with him before, it was a --  
18       we had shared notes on something fairly  
19       minor, before. And it had to do, I  
20       think, with some issue relating to the  
21       electronic signing of voter applications,  
22       voter registration applications in  
23       Virginia, and how the change that had  
24       come from the State Board of Elections  
25       with regard to that had apparently

1 circumvented the typical rules-making  
2 process. That's my best recollection. I  
3 don't think we did any work, per se; it  
4 was just a, hey, what do you think of  
5 this, kind of thing.

6 Q Do you remember what year that  
7 would have been?

8 A That would have been 2015.

9 Q Okay. So prior to this e-mail  
10 exchange had you corresponded in any way  
11 with Mr. Adams about the Alien Invasion  
12 report?

13 A I'm pretty sure I did not. But  
14 again, if you showed me something, I  
15 wouldn't be surprised. But I'm pretty  
16 sure this -- this is what started it.

17 Q Sure. You can't think of any  
18 correspondence --

19 A Correct.

20 Q -- right now? Okay.

21 MR. SCHWARTZTOL: Okay. I  
22 am going to give you a new  
23 document, going to give you what  
24 will be marked as Exhibit 35.

25 (Exhibit No. 35 was marked

1           for identification.)

2           MR. LOCKERBY: There's no

3           video on the internet feed.

4           THE VIDEOGRAPHER: The time

5           is now 2:07 p.m. We're off the

6           record.

7           (Technical issues.)

8           THE VIDEOGRAPHER: The time

9           is now 2:10 p.m. We are back on

10          the record.

11       BY MR. SCHWARTZTOL:

12          Q       This chain of e-mails includes

13          e-mails from the e-mail address

14          [REDACTED]@Skadden.com, is it safe

15          to assume that's your e-mail address?

16          A       Correct.

17          Q       Okay. And same questions as

18          before, does anyone else write e-mails

19          using that e-mail address?

20          A       No.

21          Q       Okay. So the e-mails from that

22          address, those are your e-mails?

23          A       Certainly not that I'm aware

24          of, unless the Russians are also hacking

25          this process, also.

1 is in reference to?

2 A No. Do I need to read this and  
3 make a surmise?

4 Q Feel free to read the document,  
5 if you need to, to answer the question.  
6 But my question is just whether looking  
7 at that exchange of e-mails you know what  
8 that refers to?

9 A I have no idea, no.

10 MR. SCHWARTZTOL: Okay.

11 Great. Okay. I'm going to give  
12 you Exhibit 39, which is the  
13 transcript of the deposition of  
14 Mr. Adams in his capacity as a  
15 Rule 30(b)(6) designee of PILF in  
16 this lawsuit.

17 (Exhibit No. 39 was marked  
18 for identification.)

19 BY MR. SCHWARTZTOL:

20 Q Do you know what a 30(b)(6)  
21 deposition is?

22 A Yes.

23 Q Okay. And is it your  
24 understanding that when a witness is  
25 designated pursuant to Rule 30(b)(6)

1       they're supposed to study the records of  
2       the organization on whose behalf they're  
3       testifying and generally seek to give  
4       truthful testimony?

5           A       That's my understanding.

6           Q       Okay. Have you ever seen this  
7       document before?

8           A       No.

9           Q       Okay. Let me ask you to turn  
10      to page 78, line 13.

11          A       So physical page 78 or --

12          Q       Transcript page 78.

13                   MR. KISTLER: It's physical  
14      page 21.

15                   THE WITNESS: Okay.

16   BY MR. SCHWARTZTOL:

17          Q       Okay. So starting at line 13,  
18      you see that Mr. Adams is being  
19      questioned about a document bearing the  
20      Bates number PILF Adams 0046537 through  
21      0046538?

22          A       Yes.

23          Q       And could you just take a look  
24      at the -- the previous exhibit, Exhibit  
25      38, and confirm that that document bears



1       that same Bates number -- or excuse me,  
2       two exhibits back, Exhibit 37.

3           A       Can you reread the Bates number  
4       for me? Yeah, I think that's Exhibit 38.

5           Q       38, yes, excuse me.

6           A       Yes. Those -- that's the Bates  
7       number that we have for Exhibit 38.

8           Q       Great. Okay. So let me refer  
9       you to page 80, line 20 of the deposition  
10       transcript, and ask you to read from that  
11       line --

12          A       What -- what -- what page?  
13       Sorry.

14          Q       Page 80, line 20.

15          A       Yeah? Okay.

16          Q       And let me ask you to read from  
17       there through page 82, line two. And  
18       just let me know when you're done.

19          A       Okay. So line 20, Q, okay, now  
20       when you --

21          Q       You don't need to read out  
22       loud. I'm going to ask you some  
23       questions about this exchange.

24          A       Very good.

25          Q       Just wanted to give you a

1 minute to --

2 A I have it on video now.

3 Wow. Wow. So I'm at the  
4 bottom of page 82.

5 Q Okay. Mr. Albertson, I  
6 gathered from your response while reading  
7 that that you were surprised to read that  
8 testimony?

9 A I am surprised, and -- and,  
10 frankly, disappointed.

11 Q Can you please tell me why  
12 you're surprised and disappointed?

13 A Because it was always  
14 represented to Mister -- and this is the  
15 first time I have seen this -- it was  
16 always represented by me, to Mr. Adams,  
17 it was very clear that this was being  
18 done in my personal capacity, not on  
19 behalf of my law firm. It was very  
20 abundantly clear, obvious, that's number  
21 one.

22 Number two, I had nothing to do  
23 with the effort in Prince William,  
24 absolutely nothing to do, and -- and as  
25 far as I know, it looks like he's just

1 making it up that somebody from Skadden  
2 had something to do with that.

3 Number three, there were  
4 Skadden, Arps e-mails, from Skadden, Arps  
5 lawyers, plural. Again, to my knowledge  
6 there was no one else from Skadden, Arps.  
7 This appears to me to be Mr. Adams  
8 grasping at straws and -- and just making  
9 stuff up, defamatory, honestly, about my  
10 law firm, simply because of something I  
11 did in my personal capacity, as a  
12 well-established activist in Virginia  
13 politics, fully apart and aside from my  
14 work at Skadden, Arps.

15 Q Thank you, Mr. Albertson, and I  
16 have to say, because we're going to talk  
17 about some other excerpts in this  
18 transcript, I think you may continue to  
19 feel surprised and disappointed by -- by  
20 some of the testimony, but I'll --

21 MR. LOCKERBY: I'm going to  
22 object to the gratuitous comment,  
23 which is not a question.

24 MR. SCHWARTZTOL: Okay.

25 ///

1 BY MR. SCHWARTZTOL:

2 Q So just to put a fine point on  
3 the testimony you just gave, the document  
4 in which Mr. Adams refers to the notion  
5 that David Norcross says: We hit pay  
6 dirt.

7 A Can I stop and -- I -- I'd like  
8 to amend my previous answer, if that's  
9 okay with you?

10 Q Sure.

11 A The -- the other thing, where  
12 Mr. Adams says, on page 81, well, you  
13 know you don't need a retention letter to  
14 have a client. And in this particular  
15 instance I had assumed that Skadden, Arps  
16 was assisting. He has absolutely no  
17 basis other than some e-mails that came  
18 from a Skadden, Arps e-mail account on  
19 which -- to -- to -- to state that.

20 There was never any meeting of  
21 the minds, there was never any provision  
22 of legal advice in an attorney-client  
23 sense, absolutely none, none.

24 Please resume your question.

25 Q And is it safe to conclude

1 further, Mr. Albertson, that because the  
2 e-mail that references having hit pay  
3 dirt was exchanged in August of 2016, and  
4 references documents that were obtained,  
5 in light of the fact that you didn't  
6 begin this project until September of  
7 2016 that it's not possible that you  
8 could have been providing assistance in  
9 obtaining the records from Prince William  
10 County?

11 A That's correct.

12 Q Okay. So to the best of your  
13 understanding, in the testimony that you  
14 just reviewed, was Mr. Al -- excuse me --  
15 was Mr. Adams testifying untruthfully?

16 A Yes.

17 Q Let me direct your attention to  
18 page 85, line four. Please read from  
19 line four on that page to line 19. Just  
20 let me know when you're done.

21 A I'm done.

22 Q Do you have any reaction to  
23 that testimony?

24 A It's a lie, for the reasons  
25 that we've just previously established.

1 I was not involved with this. He had no  
2 basis on which to suggest that Skadden  
3 was involved in prying this data loose  
4 from Prince William County, none, at all,  
5 zero.

6 Q Let me ask you to look at page  
7 88, line four.

8 A In fact, he would have had zero  
9 reason to suggest that I had anything to  
10 do with it, much less Skadden, Arps.

11 Can you please repeat your  
12 question?

13 Q Sure. Well, let me -- let me  
14 ask you to elaborate on the last  
15 statement you just made. Why would he  
16 have no reason to believe that you had  
17 any role in what's described there?

18 A Because I hadn't had any  
19 contact with him on this whole subject  
20 until the following month, much less been  
21 involved early enough to, quote, unquote,  
22 hit pay dirt in August.

23 Q Let me ask you to look at page  
24 88, line four, and to read from line four  
25 on page 88 through page 91, line one.

1 And again, just let me know when you're  
2 done.

3 A 391, you say?

4 Q Yes, sir, 91, page one --  
5 excuse me, page 91, line one. Are you  
6 done?

7 A Yes.

8 Q Do you have a reaction to that  
9 testimony?

10 A Same as the last one,  
11 there's -- there's absolutely no basis  
12 for this.

13 Q In the testimony that you --

14 A And it's just -- he wants to  
15 say Skadden, Arps, when he knows that's  
16 not true. And he also knows it's true  
17 that it's not me. There's no basis for  
18 this.

19 Q And so in this testimony that  
20 you just reviewed, to the best of your  
21 knowledge, Mr. Adams is testifying  
22 untruthfully; is that correct?

23 A Yes.

24 Q A few lines down on page 91,  
25 let me ask you to read lines 12 through

1       21. Please tell me when you're done.

2           A       Okay.

3           Q       Okay. So he refers here to  
4       your law firm's lawyer at Skadden, Arps  
5       also organized an effort to collect  
6       documents from those recalcitrant --  
7       recalcitrant counties to try to duplicate  
8       the success he enjoyed in Prince William  
9       County in getting the documents to PILF?

10          A       Correct.

11          Q       When he refers to a lawyer who  
12       organized an effort to collect documents  
13       from a recalcitrant counties is it  
14       possible he is, in fact, referring to you  
15       there?

16          A       I --

17                   MR. LOCKERBY: Objection to  
18       the form.

19          A       I'm assuming that -- and to be  
20       most charitable, he's conflating some  
21       sort of a memory of the effort that I  
22       undertook to get some volunteers in some  
23       other counties. So I assume that's what  
24       he means there.

25                   But to say that it is to try to



1 duplicate the success he enjoyed in  
2 Prince William County in getting the  
3 documents to PILF is made up.

4 Q Because you weren't involved in  
5 those efforts; correct?

6 A Correct.

7 Q Okay. That's all on the  
8 deposition transcript, all the questions  
9 I'll be asking you on that transcript.

10 So you did, at some point, come  
11 to do some work with Mr. Adams in  
12 connection with the Alien Invasion  
13 report; correct?

14 A Yes.

15 Q Tell me about the role you  
16 played.

17 THE WITNESS: I want to read  
18 this later.

19 MS. MURPHY: I know.

20 THE WITNESS: The role I  
21 played in -- in what, I'm sorry?

22 BY MR. SCHWARTZTOL:

23 Q In connection with the  
24 preparation of the Alien Invasion report?

25 A No. I just helped him gather

1           A       No. I'm sorry, I wish I could  
2       give you a more solid answer. But I'll  
3       also draw your attention to the fact that  
4       the sentence after that which you just  
5       quoted says: Our, sic, report now  
6       assumes they got no more data from them.

7                    Again, I think you could  
8       probably read that either way. I have no  
9       recollection of providing data. I'm not  
10      just going to -- I can't rule out that I  
11      did.

12           Q       Understood. Thanks.

13                   MR. SCHWARTZTOL: And I'm going  
14      to show you another document. Are we on  
15      42?

16                   THE VIDEOGRAPHER: Yes.

17                   MR. SCHWARTZTOL: 42, okay.

18                   (Exhibit No. 42 was marked  
19      for identification.)

20   BY MR. SCHWARTZTOL:

21           Q       Give you a minute to read the  
22      exchanges of e-mails, here. Just let me  
23      know when you're done.

24           A       Okay.

25           Q       Who is Jordan Labiosa?

1           A       He is a local activist in Craig  
2       County, Southwest Virginia, whom I had  
3       sought assistance from in finding a way  
4       to make the data actionable.

5           Q       Would you describe Mr. Labiosa  
6       as a liberal Democrat?

7           A       No.

8           Q       Why not?

9           A       Because he is a pretty staunch  
10      Libertarian conservative.

11          Q       Okay. What does Mr. Labiosa  
12      tell you about the run list that you sent  
13      him?

14          A       He was uncomfortable with  
15      proceeding with the project because one  
16      of the individuals on the list was  
17      somebody that he had been close to or  
18      pictured on Facebook with and had  
19      participated in previous elections.

20          Q       And could you read out loud  
21      your response to him?

22          A       Is it possible your friend is  
23      one of the accidentals, i.e., those who  
24      are citizens but had trouble with the  
25      forms? It's looking like that's 10 to 15

1       percent of what we have and many of those  
2       have been reinstated. Not looking to  
3       take action against those folks, of  
4       course.

5           Q       When you refer to the 10 to 15  
6       percent of what we have, who is the we  
7       that you're referring to?

8           A       I'm assuming the reference  
9       there is to the effort, the joint PILF  
10      grassroots kind of effort to -- to gather  
11      this data.

12          Q       What was your basis for that 10  
13      to 15 percent estimate?

14          A       I believe that was something I  
15      would have gotten from Mr. Adams.

16          Q       Can you think of any other  
17      potential basis for your estimate as to  
18      the rate of accidentals within that list?

19          A       Well, I have no other -- I  
20      would not have gotten any information on  
21      the data from any other source that --  
22      that -- that I can recall. The only  
23      other information I got about this, and I  
24      think I mentioned or alluded to this  
25      earlier, was my own clerk of court and

1       general registrar in Stafford County had  
2       both indicated to me their faith that the  
3       data were, you know, accurate.

4               It was never posited, you know,  
5       could somebody have mistakenly checked  
6       the box. My -- I think they would have  
7       been incredulous at the thought. But  
8       I'm, you know, just speculating there.

9               But those are the only folks  
10       that I talked to about, until Jordan,  
11       about whether or not there was somebody  
12       on the list that shouldn't have been, as  
13       I recall.

14           Q       Do you have any basis for  
15       knowing that the rate of accidentals on  
16       that list would not have been higher than  
17       15 percent?

18           A       No.

19           Q       Did anyone at PILF give you any  
20       guidance on how to reduce the percentage  
21       of accidentals on any of these lists?

22                   MR. LOCKERBY: Object to the  
23       form.

24           A       Not that I recall.

25           Q       Did you provide any guidance